



## City of New Orleans Office of Supplier Diversity Good Faith Efforts Policy

In accordance with Sec.70-461 of the City Code, and unless waived pursuant to Policy Memorandum 46(R), the City shall reject any bid and shall not award, enter into or amend any contract that is not supported by documentation establishing that the Bidder/Proposer has met the contract DBE participation goal or made Good Faith Efforts (GFE) to the contract DBE participation goal.

The Office of Supplier Diversity (OSD) shall be responsible for determining whether a vendor has made Good Faith Efforts to achieve the DBE Program contracting objectives. In making this determination, the DBE Compliance Officer (CO) shall consider the following factors:

- 1) SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTORS:
  - a) Bidder/Proposer listed all selected scopes or portions of work to be performed by DBEs in order to increase the likelihood of meeting the contract goal for the project
  - b) Bidder/Proposer listed the estimated value of each scope or portions of work identified.
- 2) NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES:
  - a) Bidder/Proposer contacted the OSD to request submission of subcontracting opportunities on the DBE Opportunities page found at <https://www.nola.gov/economic-development/supplier-diversity/>.
  - b) Bidder/Proposer included a copy of each announcement or notification.
- 3) INITIAL SOLICITATION AND FOLLOW-UP:
  - a) Bidder/Proposer reached out to the DBE firms certified in the areas identified for subcontracting.
  - b) Bidder/Proposer listed all certified DBE firms that received written notification of work items to be subcontracted and documented the certified firm's response.
  - c) Bidder/Proposer included copies of the written notice(s) sent to certified firms.

4) NEGOTIATE IN GOOD FAITH:

- a) Bidder/Proposer provided an explanation for any rejected DBE bid or price quotation.
- b) Bidder/Proposer included a copy of the written rejection notice including the reason for rejection to the rejected DBE firm.
- c) The CO may reach out to the bidder/respondent to gather further information to make a determination of sufficient good faith efforts, when warranted.
- d) The OSD may take into account the performance of other Bidders/Proposers in meeting the contract DBE participation goal and may, if deemed advisable, request further information, explanation or justification from any Bidder/Proposer.

Bidders/Proposers who do not meet the DBE goal stated in the solicitation must submit a DBE Compliance Form-2 (Documentation of Good Faith Efforts) along with their DBE Compliance Form-1 (DBE Responsiveness Form). It is upon the bidder/proposer to provide the required forms and supporting documentation with their post-bid/post-selection documents and within the allotted time frame given by the Purchasing Bureau. If a Bidder/Proposer fails to submit DBE Compliance Form-2 and the required GFE documentation, the bid shall be considered non-responsive.

Good Faith Efforts documentation shall be regarding efforts made prior to the notice of Intent to Award Letter sent by purchasing to the two-lowest bidders or selected respondents/proposers.

The CO with OSD shall utilize the GFE Checklist for review of Good Faith Efforts. Determination of sufficient Good Faith Efforts will vary depending on the contract/project.

The GFE Checklist includes review of the following:

- 1) PRE-BID MEETING(S): The bidder/offeror attended all pre-bids and meetings scheduled by the City to inform DBEs of contracting and subcontracting opportunities.
- 2) SLDBE/DBE LIST(S): The bidder/offeror utilized the Office of Supplier Diversity's list of certified SLDBE firms and the Louisiana Department of Transportation's list of certified DBE firms.
- 3) BREAK DOWN OF CONTRACT(S): The bidder/offeror selected specific portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including breaking down contracts into smaller units to facilitate DBE participation).

- 4) INITIAL SOLICITATION: The bidder/offeror sent solicitations to all DBE firms certified in the identified scopes of work and provided a listing of DBE firms that were contacted in writing or by telephone or e-mail and the scope of work solicited from each DBE firm.
- 5) FOLLOW-UP: The bidder/offeror followed up on initial solicitations to DBEs, and on indications of interest by DBEs by contacting those DBEs to determine with certainty if they remained interested in bidding.
- 6) ADVERTISEMENT: The bidder/offeror advertised in general circulation and/or trade association publications concerning subcontracting opportunities, and allowed DBEs reasonable time to respond.
- 7) INTERNET ADVERTISING: The bidder/offeror advertised DBE and/or subcontracting opportunities on the City of New Orleans Office of Supplier Diversity DBE Opportunities page or other internet portals that are accessible to DBEs and/or potential subcontractors.
- 8) GOOD FAITH NEGOTIATIONS: The bidder/offeror negotiated in good faith with interested DBEs and did not reject DBEs as unqualified without sound business reasons based on a thorough investigation of their capabilities.
- 9) INFORMATION: The bidder/offeror provided interested DBEs with adequate information about the plans, specifications, and requirements of the subcontract.
- 10) WRITTEN NOTICE(S): The bidder/offeror took the necessary steps to provide written notice in a manner reasonably calculated to inform DBEs of subcontracting opportunities and allowed sufficient time for them to participate effectively.
- 11) COMMUNITY RESOURCES: The bidder/offeror used the services of available community organizations, small and/or disadvantaged business assistance offices and other organizations that provided assistance in the recruitment and placement of DBE firms.
- 12) CONTACT RECORDS: The bidder/offeror has maintained the following records for each DBE that has bid on the subcontracting opportunity: 1. Name, address, and telephone number; 2. A description of information provided by the bidder/offeror or subcontractor; and 3. A statement of whether an agreement was reached, and if not, why not, including any reasons for concluding that the DBE was unqualified to perform the job.

*The CO shall provide a summary of their findings and explanation for decision of the determination of the sufficiency of the submitted GFEs.*